

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-06-692 (1)
	§	C.A. No. C-08-306
ALVARO OCHOA-MOLINA,	§	
	§	
Defendant/Movant.	§	

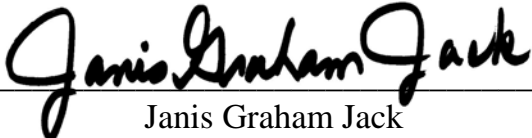
**ORDER FOR RESPONDENT TO ANSWER
AND ORDER ALLOWING MOVANT TO REPLY**

On September 22, 2008, the Clerk received Movant Alvaro Ochoa-Molina's ("Ochoa-Molina") motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. It is now ORDERED that the United States answer the § 2255 motion not later than sixty days after the entry of this Order. As part of its answer, the United States shall address: (1) whether Ochoa-Molina's motion is barred by the applicable statute of limitations, including a discussion of whether he is entitled to tolling; and (2) whether he is barred from bringing any of the claims in his motion by his waiver of § 2255 rights in his plea agreement. Regardless of its position on the foregoing issues, the United States shall also provide a substantive response to each of Ochoa-Molina's claims.

It is further ORDERED that the United States provide, at the time of its answer, transcripts of all pertinent proceedings that are not already part of the record. Relevant affidavits, if any, are also to be filed with the answer.

Pursuant to Rule 5(d) of the RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS (2008), Ochoa-Molina may file a reply not later than thirty days after service of the government's answer.

ORDERED this 23rd day of September, 2008.



Janis Graham Jack
United States District Judge